

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF THE REQUEST )  
OF CITIZENS FOR CLEAN WATERS, )  
AND R. H. BAILEY AND EDWARD )  
J. GRUBLE TO REVIEW THE )  
GRANTING OF WASTE DISCHARGE )  
PERMIT NO. T-2866, )

Appellants, )

vs. )

STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )

Respondent, )

SCOTT PAPER COMPANY, )

Intervenor. )

---

PCHB No. 70-28

FINDINGS OF FACT,  
CONCLUSION AND ORDER

This is an appeal by the Citizens for Clean Waters, Inc. and R. H. Bailey and Edward J. Gruble, as individuals, from the granting of Waste Discharge Permit T-2866 by the Washington State Department of Ecology, to the Scott Paper Company for its bleached sulphite pulp mill at Anacortes, Washington.

Messrs. Bailey and Gruble appeared individually and on behalf of Citizens for Clean Waters, Inc. The Department of Ecology appeared by Charles W. Lean, Assistant Attorney General, and the intervenor Scott Paper Company, was represented by Mr. Robert I. Thieme, its Vice President and Regional Manager for its Pacific Coast Division, and Mr. J. P. Hunter of Anderson, Hunter, Carlson

& Dewell, its attorneys.

The hearing on the appeal was held in the hearing room of the Department of Ecology at Lacey, Washington on August 30 and 31, 1971, with all members of the Hearings Board present at each session and with Mr. James T. Sheehy presiding as the hearing officer.

While in general the appeal was predicated on the contention that Permit T-2866 did not adequately protect the marine environment of the area, it was agreed at a conference on June 29, 1971 that the sole issue was whether the permit issued by the Department should contain a provision that all sulphite waste liquor (hereinafter known as SWL) be released only on an outgoing tide.

The individual appellants each testified and introduced exhibits, and the respondent and intervenor each presented numerous witnesses and a considerable number of exhibits.

The Pollution Control Hearings Board having heard all of the testimony and having considered the exhibits makes the following:

#### FINDINGS OF FACT

##### I.

That the appellants R. H. Bailey and Edward J. Gruble are convinced and sincerely believe that unless the SWL from the Scott Paper Mill at Anacortes is held for release on an outgoing tide it will penetrate into Padilla Bay and Fidalgo Bay in such strength as to make it impossible to profitably propagate oysters.

##### II.

That in 1967 a Joint Conference (Federal and State) prepared

certain recommendations with reference to eleven pulp mills (of which the Anacortes mill of the Scott Paper Company was one) then discharging effluent into the waters of the state, which recommendations have been made the basis for the waste disposal permits issued by the Department of Ecology and its predecessors.

### III.

The recommendations of the Joint Conference with reference to the Anacortes mill of the Scott Paper Company are embodied in Exhibit 14-G (Pollutional Effects of Pulp and Paper Mill Wastes in Puget Sound, March, 1967; Page X) as follows:

- "1. Provide primary treatment of all solids-bearing wastes to provide for (a) removal of all settleable solids and (b) 70% removal of volatile suspended solids.
- "2. Extend the present waste outfall line, equipped with an adequate diffuser section, into Guemes Channel to a depth of not less than 50 feet (MLLW)."

### IV.

Waste Discharge Permit T-2866 includes the substance of both of those recommendations.

### V.

At present, Scott Paper Company discharges SWL into Guemes Channel from a submarine outfall located close to the Anacortes waterfront, yet qualified expert witnesses said average sulphite readings taken over oyster bed areas in Fidalgo Bay and Padilla Bay are below amounts deemed harmful to oysters.

### VI.

There is no reason to believe that a requirement in Permit

T-2866 that all SWL be held for release on an outgoing tide would serve any practical purpose not already achieved by the other requirements of the permit.

From these facts the Pollution Control Hearings Board reaches the

#### CONCLUSION

That a requirement that all SWL from the Scott Paper Company mill at Anacortes be held for release on an outgoing tide should not be added to Permit T-2866.

And from these findings, and the conclusion drawn therefrom, the Pollution Control Hearings Board enters the following

#### ORDER

That Waste Discharge Permit T-2866 issued by the Department of Ecology to the Scott Paper Company for its mill at Anacortes be approved as issued.

DONE at Olympia, Washington this 5<sup>th</sup> day of October, 1971.

POLLUTION CONTROL HEARINGS BOARD

Matthew W. Hill  
MATTHEW W. HILL, Chairman

James T. Shlehy  
JAMES T. SHELLEY, Member

Walt Woodward  
WALT WOODWARD, Member